

FILE COPY

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ROBERT W. GANLEY,
RESPONDENT.

FINAL DECISION AND ORDER

LS 9405021 FDR

93 FDR 009

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Robert W. Ganley
337 Alona Lane
Lancaster, WI 53813

Funeral Directors Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That Robert W. Ganley (D.O.B. 06/03/41) is duly licensed to practice as a funeral director in the state of Wisconsin, pursuant to license #3752, which was first granted August 10, 1966.
2. That Respondent's most recent address filed with the Wisconsin Department of Regulation and Licensing, is 337 Alona Lane, Lancaster, WI 53813.
3. That on February 4, 1993, Respondent was convicted in Grant County Wisconsin Branch II Circuit Court (Case No. 92-CR-274) of two counts of violating section 948.02(1), Wis. Stats., a Class B felony."

4. As of February 17, 1993, Respondent sold all interests he had in funeral home establishments in the State of Wisconsin and has not practiced as a funeral director since that time.

5. That Respondent continues to maintain his innocence of these charges. Respondent has agreed, however, to surrender his license to practice as a funeral director in Wisconsin and has agreed never to reapply for such a license in this state.

CONCLUSIONS OF LAW

1. That the Funeral Directors Examining Board has jurisdiction over this matter pursuant to sec. 445.13, Stats.

2. The Funeral Directors Examining Board is authorized to enter into the stipulated resolution of this matter pursuant to sec. 227.44(5), Stats.

3. That Respondent's convictions are violations of a state law substantially related to the practice of funeral directing, and are unprofessional conduct as defined by Wis. Admin. Code FDE 3.02(1) and sec. 445.13(1), Stats.


ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the voluntary surrender by Robert W. Ganley of his license to practice as a Funeral Director in the State of Wisconsin is hereby accepted.

IT IS FURTHER ORDERED that Robert W. Ganley shall never reapply for a license as a Funeral Director in the State of Wisconsin.

IT IS FURTHER ORDERED that no costs or forfeitures shall be imposed in this matter.

Dated at Madison, Wisconsin this 12th day of July, 1994.



Roman M. Jungers II, Chairperson
Funeral Directors Examining Board

JRZ:lmf
ATY-BLG701

STATE OF WISCONSIN
BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
	:	
ROBERT W. GANLEY,	:	LS-9405021-FDR
RESPONDENT.	:	93 FDR 009

It is hereby stipulated and agreed, by and between, Robert W. Ganley, Respondent; James B. Halferty, as attorney for Respondent; and, John R. Zwieg, as attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. On May 2, 1993, a disciplinary complaint was filed in this matter, alleging that Respondent had been convicted of a crime which substantially relates to practice as a funeral director.

2. The parties agree that this stipulated resolution may be presented directly to the Wisconsin Funeral Directors Examining Board and need not be presented to the Administrative Law Judge appointed in this matter.

3. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving the allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

4. Respondent is aware of his right to seek legal representation and has done so prior to signing this Stipulation.

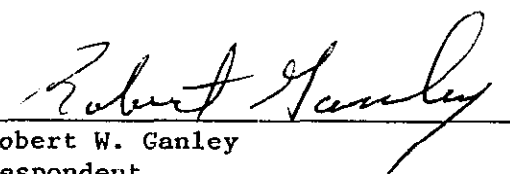
5. Respondent, for personal reasons, agrees to the adoption of the attached Final Decision and Order by the Funeral Directors Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

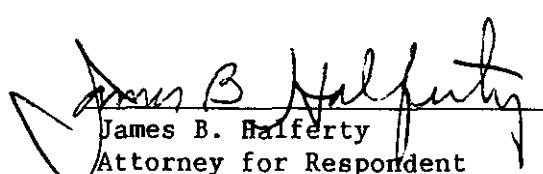
8. The parties to this Stipulation agree that the Respondent, his counsel, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

9. The parties to this Stipulation agree that the member of the Board appointed as the investigative advisor in this matter may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.

Dated this 17 day of ~~May~~ ^{JUNE}, 1994.


Robert W. Ganley
Respondent

Dated this 17th day of ~~May~~ ^{June}, 1994.


James B. Halferty
Attorney for Respondent

Dated this 19th day of May, 1994.


John R. Zwieg
Attorney for Complainant
Department of Regulation & Licensing
Division of Enforcement

ATY2-4884